

EXHIBIT T

Volume 7

Pages 1397 - 1645

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ALSUP

ORACLE AMERICA, INC.,)	
)	
Plaintiff,)	
)	
VS.)	No. C 10-3561 WHA
)	
GOOGLE, INC.,)	
)	
Defendant.)	San Francisco, California
)	April 24, 2012

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

APPEARANCES:

For Plaintiff:

MORRISON & FOERSTER
755 Page Mill Road
Palo Alto, California 94304

BY: MICHAEL A. JACOBS, ESQUIRE
KENNETH A. KUWAYTI, ESQUIRE
MARC DAVID PETERS, ESQUIRE
DANIEL P. MUINO, ESQUIRE

BOIES, SCHILLER & FLEXNER
333 Main Street
Armonk, New York 10504

BY: DAVID BOIES, ESQUIRE
ALANNA RUTHERFORD, ESQUIRE

(Appearances continued on next page)

Reported By: Katherine Powell Sullivan, RPR, CRR, CSR #5812
Debra L. Pas, RMR, CRR, CSR #11916
Official Reporters - U.S. District Court

Katherine Powell Sullivan, CSR, CRR, RPR
Debra L. Pas, CSR, CRR, RMR
Official Reporters - US District Court - 415-794-6659

APPEARANCES (CONTINUED) :**For Plaintiff:**

BOIES, SCHILLER & FLEXNER
 1999 Harrison Street, Suite 900
 Oakland, California 94612

**BY: WILLIAM FRED NORTON, ESQUIRE
 STEVEN C. HOLTZMAN, ESQUIRE**

ORACLE AMERICA, INC.
 500 Oracle Parkway
 Redwood Shores, California 94065

**BY: ANDREW C. TEMKIN, CORPORATE COUNSEL
 DORIAN DALEY, GENERAL COUNSEL**

For Defendant:

KEKER & VAN NEST
 633 Battery Street
 San Francisco, California 94111-1809

**BY: ROBERT ADDY VAN NEST, ESQUIRE
 CHRISTA MARTINE ANDERSON, ESQUIRE
 DANIEL PURCELL, ESQUIRE
 MICHAEL S. KWUN, ESQUIRE**

KING & SPALDING LLP
 1185 Avenue of the Americas
 New York, New York 10036-4003

BY: BRUCE W. BABER, ESQUIRE

GOOGLE, INC.
 1600 Amphitheatre Parkway
 Mountain View, California 94043

BY: RENNY HWANG, LITIGATION COUNSEL

For Dr. Kearl:

FARELLA BRAUN & MARTEL LLP
 235 Montgomery Street, 30th floor
 San Francisco, California 94104

BY: JOHN L. COOPER, ESQUIRE

Also Present:

SAFRA CATZ, President and CFO
 Oracle Corporate Representative

CATHERINE LACAVERA
 Google Corporate Representative

— — —

1 "Requirements: Google needs a TCK license."

2 Do you see that?

3 **A.** I do.

4 **Q.** Did Mr. Rubin or anybody tell you that?

5 **A.** I don't recall.

6 **Q.** Let me go to Trial Exhibit 7. Do you have that up there?

7 Trial Exhibit 7?

8 **A.** Go ahead.

9 (Document displayed)

10 **Q.** And this is down at the bottom, an email from Andy Rubin
11 to Larry Page.

12 **A.** Yes.

13 **Q.** October 11th, 2005, where it says:

14 "My proposal is we take a license that
15 specifically grants the right for us to Open
16 Source our product."

17 Do you see that?

18 **A.** Yes.

19 **Q.** That's not a trademark license, is it, sir?

20 **A.** Again, this was not a message or email trail I was on.

21 The TCK license would be a test and compatibility
22 license, which will allow you to state that you're compatible.
23 I don't know whether the TCK includes a copyright license or
24 not.

25 **Q.** Do you know whether or not -- you know that one of the

1 kinds of licenses that Sun offered was a specification license;
2 did you know that?

3 **A.** Again, I'm not familiar with the specific Sun licenses
4 that were available.

5 **Q.** Did you know what the requirements of a Sun specification
6 license for Java or Java APIs were?

7 **A.** Not in any detail.

8 **Q.** Did you know that generally they required that the person
9 getting the license pass a TCK test?

10 **A.** No, but I would have assumed that that was one of their
11 licensing requirements.

12 **Q.** And you do know that Sun charged people for the TCKs,
13 correct?

14 **A.** I don't know the details.

15 **Q.** But you know enough about -- even without knowing any of
16 the details, do you know enough about the fact that is one of
17 the way that Sun has made money?

18 **A.** Well, the exhibits which I see now imply that, so I'll
19 just say yes.

20 **Q.** Now, there came a time when Google was sufficiently
21 worried about being sued that it thought about buying all the
22 rights to Java; correct, sir?

23 **A.** Yes.

24 **Q.** And this was in 2009, correct?

25 **A.** If I could modify that. I'm not sure what you meant by

1 "Google." Did you mean the executives?

2 Q. Yes, the executives at Google.

3 A. Did you mean there was a proposal?

4 Q. Well, there was a proposal, including to you as the CEO;
5 correct, sir?

6 A. Yeah.

7 Q. And you thought it was worth pursuing, correct?

8 A. I'm always open to trying anything that -- to make
9 progress.

10 Q. And you certainly didn't want to be sued over your use of
11 Java, correct?

12 A. That's correct.

13 Q. Let me ask you to look at Exhibit 406.

14 MR. BOIES: May I approach, your Honor?

15 (Whereupon, document was tendered
16 to the witness.)

17 THE WITNESS: Thank you.

18 BY MR. BOIES:

19 Q. And this is in evidence.

20 (Document displayed)

21 Q. And this is an email to you from a Brett Slatkin?

22 A. Yes.

23 Q. And this is in January of 2009, correct?

24 A. Uh-huh. Yes.

25 Q. And it talks about a proposal to buy the full rights to

CERTIFICATE OF REPORTERS

We, KATHERINE POWELL SULLIVAN and DEBRA L. PAS,
Official Reporters for the United States Court, Northern
District of California, hereby certify that the foregoing
proceedings in C 10-3561 WHA, **Oracle America, Inc., vs. Google,
Inc.**, were reported by us, certified shorthand reporters, and
were thereafter transcribed under our direction into
typewriting; that the foregoing is a full, complete and true
record of said proceedings at the time of filing.

_____/s/ Katherine Powell Sullivan

Katherine Powell Sullivan, CSR #5812, RPR, CRR
U.S. Court Reporter

_____/s/ Debra L. Pas

Debra L. Pas, CSR #11916, RMR CRR

Tuesday, April 24, 2012

*Katherine Powell Sullivan, CSR, CRR, RPR
Debra L. Pas, CSR, CRR, RMR
Official Reporters - US District Court - 415-794-6659*